

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS INDENTURE TRUSTEE  
FOR GREENPOINT MORTGAGE  
FUNDING TRUST 2006-OH1, MORTGAGE  
PASSTHROUGH CERTIFICATES, SERIES  
2006-OH1,

6:13-cv-2319-TC

ORDER

Plaintiff,

v.

JOHN SPROUSE; MORTGAGE  
ELECTRONIC SYSTEMS, INC.;  
GREENPOINT MORTGAGE FUNDING,  
INC.; PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN OR  
INTEREST IN THE PROPERTY  
DESCRIBED IN THE COMPLAINT  
HEREIN,

Defendants.

COFFIN, Magistrate Judge:

Plaintiff filed a foreclosure complaint in the Circuit Court of Oregon for the County of Lane on January 22, 2013. Although it appears plaintiff was unable to complete formal service due to difficulty locating defendant in person, defendant Sprouse did receive the complaint and filed an

answer on April 26, 2013. On December 4, 2013, plaintiff filed a motion for summary judgment. The Lane County Court scheduled oral argument on the motion for January 6, 2014 and set trial for February 5, 2014. However, on December 31, 2013, defendant Sprouse removed the case to this court asserting diversity jurisdiction. On January 8, 2014, plaintiff moved to remand.

A defendant seeking to remove a case must do so within 30 days of receipt of the complaint or 30 days after service of the pleading in which it can be ascertained that a case has become removable. 28 U.S.C. § 1446(b). Defendant Sprouse sought removal well after the 30 day limit set by statute. Accordingly, the motion to remand is granted. Plaintiff also seeks sanctions arguing that defendant's removal was an attempt to delay the state court's consideration of the then pending summary judgment motion. The court declines to award sanctions.

### CONCLUSION

For the reasons stated above, plaintiff's motion to remand (#6) is granted and this case is remanded to the Circuit Court of Oregon for the County of Lane.

DATED this 18<sup>th</sup> day of February, 2014.

  
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THOMAS M. COFFIN  
United States Magistrate Judge